



DPR 21-16: RISE Avon, LLC Development Plan Review

Planning & Building Department Staff Report

May 16, 2022

Plan Commission, Public Hearing

Bill Peeples, Planning Director

A. PETITION NUMBER	DPR 21-16: RISE Avon, LLC Development Plan Review
B. APPLICANT	Jim R. Sapp Joshua Manion, P. E.; c/o Progressive Architecture Engineering
C. LOCATION	1662 S County Road 1050 East
D. PARCEL SIZE	13.627 acres
E. LAND USE & ZONING	This property is zoned I-2 and is located within the Ronald Reagan Corridor Overlay District
F. ACTION REQUESTED	The petitioner requests approval of a Development Plan Review petition to build 20 buildings on 13.627 acres, with a request for a waiver of Section 4-8.7.B to allow the construction of buildings without using masonry material on 60 percent of the front façade and 30 percent of the side facades; of Section 24-12.4.B of the Town of Avon Zoning Ordinance to allow a zero foot roof overhang (a 3-foot overhang on the proposed buildings is required); and a waiver of Note 2 of Section 15-7 to provide 117 parking spaces (maximum 98 spaces allowed).
G. HISTORY	A portion of this property was rezoned from AG and C-3 to I-2 under case number ZA 21-06 in September 2021. A portion of this property was rezoned from AG to I-2 under case number ZA 22-01 in March 2022. A primary plat of the property was approved under Case Number MAP(P) 22-01 in February 2022.
H. STAFF COMMENTS	This petition was continued from the April meeting at the request of the staff to allow the petitioner adequate time to complete building elevations. The petitioner submitted building elevations for review on May 11, 2022. The submitted elevations provided elevations of only two sides of the buildings, and the staff requested elevations of the third side to



ensure that the proposed elevations complied with the architectural requirements. On May 16, 2022, the petitioner submitted building elevations for all three sides of the six buildings. These six buildings are consistent with the requirements of the architectural standards..

The petitioner proposes to comply with the architectural requirements for six of the twenty buildings within the development (and six of the seven buildings that front on Ronald Reagan Parkway). The seventh building fronting on Ronald Reagan Parkway would be obscured by landscaping. These elevations utilize a “storefront” design, that mimics a flat roof structure from the front, which mitigates the need for an overhang along the rooflines. Since the elevations submitted show that the six buildings comply with the requirements of the Ordinance, staff would support the waivers for the remainder of the buildings.

The remainder of this report is identical to previous versions.

This petition was continued from the March 2022 Plan Commission meeting after a lengthy discussion about the proposed architecture of the buildings. The petitioner has not contacted the staff nor submitted any proposed building elevations that comply with the requirements of the Ordinance in the intervening weeks.

This petition has been continued several times to permit the prospective property owner to pursue several zoning entitlements and to allow time to design the proposal in a manner consistent with the applicable ordinances.

This is a request for development plan approval to construct a twenty-building industrial development for the purpose of a flex space/storage facility.

This property has had several zoning actions taken in the recent past to permit this development. The staff has been working with the petitioner in hopes of receiving a proposal consistent with the Ordinance requirements. The petitioner has been unwilling to design buildings that are consistent with the architectural standards of Sections 4-8.7.B and of Section 24-12.4. Additionally, the petitioner is providing parking in excess of the requirements Note 2 of Section 15-7. In lieu of complying with these requirements, the petitioner has chosen to file waivers of the Town requirements.



Other than the three elements for which waivers have been filed, the remainder of the development proposal is consistent with the requirements the zoning ordinance, subdivision control ordinance and Comprehensive Plan.

The following represents the review of the proposal based upon the standards of the zoning ordinance:

DPR Avon Zoning Ordinance

Sec. 4-8(1) Development Plan Purpose:

Development Standards: Development Plans are required to meet the development standards set forth in the zoning district in which the use is or is proposed to be located. The Zoning District for this proposal is the C-2 District and the property is located within Tier One of the U. S. Highway 36 Overlay District. The Technical Advisory Committee reviewed this proposal for compliance.

1) Miscellaneous Applicable Development Standards:

The proposal is consistent with the development standards of the I-2 District.

2) Applicable Overlay District Standards:

The proposed development meets most of the standards of the Ronald Reagan Corridor Overlay District. Staff has concerns, however, with the aesthetic character of the proposed structures. Section 4-8.7.B of the Zoning Ordinance establishes the “floor” for development along Avon’s Major Thoroughfares (See Section 25-5) with the Ronald Reagan Corridor Overlay District establishing additional, more restrictive provisions. The absolute minimum for any commercial or industrial development along these corridors, therefore, is 60 percent masonry on the front façade and 30 percent masonry on the side facades. This development proposes approximately 30 percent masonry and 50 percent wood siding on the front facade and 15 percent masonry on one side façade for the six buildings fronting on Ronald Reagan Parkway with the remaining buildings clad totally in steel siding. Additionally, the provisions of Section 24-12.4 describe four alternatives for roofing in the Overlay, with the requirement for a 3-foot overhang on pitched roofs. The petitioner proposes no



overhang. Waivers have been filed for these provisions.

3) **Lighting, Chapter 14:**

The request is consistent with the requirements of the Ordinance.

4) **Off-Street Parking and Loading, Chapter 15:**

a) **Parking:** The request would require 85 parking spaces. The Ordinance caps parking at 15 percent over the minimum, therefore the maximum parking allowed for this use would be 98 spaces. The petitioner proposes 117 spaces. A waiver has been filed for this overage.

b) **Loading:** Loading is provided in accordance with the Ordinance requirements.

c) **Drive Through:** No drive through facilities are proposed.

5) **Landscaping and Screening, Chapter 16:**

The request is consistent with the Ordinance requirements.

6) **Floodplain Regulations:**

The request is consistent with the ordinance requirements.

7) **Signs, Chapter 18:**

One ground sign has been proposed. The proposed sign size appears consistent with the requirements of the Ordinance, and detailed approval will be completed at the time of a sign permit request.

8) **Engineering:**

Engineering had significant concerns with the proposal as submitted. Many of these concerns have been addressed through multiple revisions with an administrative waiver of the Stormwater Ordinance on file for review by the Director of Public Works.

9) **Subdivision Control Ordinance:**

The request is consistent with the requirements of the Subdivision Control Ordinance.

10) **Comprehensive Plan**

The request is consistent with the Comprehensive Plan recommendation.



WAIVERS

Waiver 1: A waiver of Section 4-8.7.B which requires 60 percent masonry on the front facades and 30 percent masonry on the side facades.

The applicant has submitted a justification for the deviation from the standards that (1) imply the staff has essentially invented a standard that does not exist, (2) cite a proposed zoning commitment and not the language of the Ordinance and (3) cite irrelevant information (competitive rent, implied forklift impediment, etc.) that do not in any way address the required findings for a waiver. Applicant must demonstrate compliance with the following:

1. The proposed alternative demonstrates consistency with the recommendations of the Comprehensive Plan and all related land use plans:

The Comprehensive Plan for this area recommends innovation and this proposed land use would be consistent with that recommendation.

Staff believes that this finding has been met.

2. That the proposed alternative demonstrates consistency with the intent of the applicable Zoning District and/or Overlay District:

The intent of the Overlay District is to encourage a high quality, durable look to the structures that are constructed along the Ronald Reagan Parkway. The petitioner's choice of building design would create a development consisting of what looks like a series of pole barns and the failure clad the structure in the minimum required by all development along Avon's major thoroughfares is inconsistent with the intent of the Ordinance and inequitable to other developers who have complied with this absolute minimum.

Staff believes that this finding has not been met.

3. That the proposed alternative demonstrates consistency with both the existing built environment and the built environment that would be required under the terms of the ordinance were the waiver not granted compliance with the recommendations of the Town of Avon Comprehensive Plan:

The emerging development pattern in this area of the Town is



of high quality, durable construction. The proposed use of steel pole-style buildings clad on one side with a minimal course of masonry and wood siding with no roof overhang would be inconsistent with the emerging development pattern.

Staff believes that this finding has not been met.

4. That the proposed alternative represents an improvement, increase, advance, or expansion beyond the terms of the applicable standard:

The proposed improvement represents a lowering of the standard to accommodate a desire by the petitioner to limit costs on constructing a building and not to raise the aesthetic appeal along the Parkway

Staff believes that this finding has not been met.

Staff ***recommends denial*** of the waiver request.

Waiver 2: A waiver of Section 24-12.4.B which requires a minimum three-foot overhang on sloped roofs

Applicant must demonstrate compliance with the following:

1. The proposed alternative demonstrates consistency with the recommendations of the Comprehensive Plan and all related land use plans:

The Comprehensive Plan for this area recommends innovation and this proposed land use would be consistent with that recommendation.

Staff believes that this finding has been met.

2. That the proposed alternative demonstrates consistency with the intent of the applicable Zoning District and/or Overlay District:

The intent of the Overlay District is to encourage a high quality, durable look to the structures that are constructed along the Ronald Reagan Parkway. The petitioner's choice of building design would create a development consisting of what looks like a series of pole barns and the failure to include an overhang on the proposed building contributes to that appearance.

Staff believes that this finding has not been met.



3. That the proposed alternative demonstrates consistency with both the existing built environment and the built environment that would be required under the terms of the ordinance were the waiver not granted compliance with the recommendations of the Town of Avon Comprehensive Plan:

The emerging development pattern in this area of the Town is of high quality, durable construction. The proposed use of steel pole-style buildings with no roof overhang would be inconsistent with the emerging development pattern.

Staff believes that this finding has not been met.

4. That the proposed alternative represents an improvement, increase, advance, or expansion beyond the terms of the applicable standard:

The proposed improvement represents a lowering of the standard to accommodate a desire by the petitioner to limit costs on constructing a building and not to raise the aesthetic appeal along the Parkway

Staff believes that this finding has not been met.

Staff ***recommends denial*** of the waiver request.

Waiver 3: A waiver of Note 2 of Section 15-7 to provide 117 parking spaces (maximum 98 spaces allowed)

Applicant must demonstrate compliance with the following:

1. The proposed alternative demonstrates consistency with the recommendations of the Comprehensive Plan and all related land use plans:

The Comprehensive Plan for this area recommends innovation and this proposed land use would be consistent with that recommendation.

Staff believes that this finding has been met.

2. That the proposed alternative demonstrates consistency with the intent of the applicable Zoning District and/or Overlay District:

The intent of the parking lot cap is to discourage excessive parking and unnecessary impervious surface. This property will



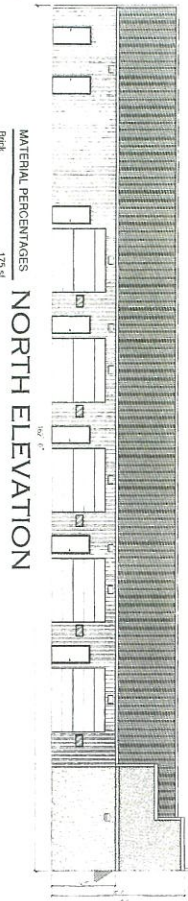
	<p>retain a significant portion of the property in greenspace and the nature of the proposed land use may justify parking more consistent with a commercial land use for some tenant spaces.</p> <p><i>Staff believes that this finding has been met.</i></p> <p>3. That the proposed alternative demonstrates consistency with both the existing built environment and the built environment that would be required under the terms of the ordinance were the waiver not granted compliance with the recommendations of the Town of Avon Comprehensive Plan:</p> <p>The emerging development pattern in this area of the Town is of industrial development. This use would allow small business to move into a transitional space to continue to thrive. This may necessitate slightly more parking than the Ordinance allows for.</p> <p><i>Staff believes that this finding has been met.</i></p> <p>4. That the proposed alternative represents an improvement, increase, advance, or expansion beyond the terms of the applicable standard:</p> <p>The proposed parking represents thoughtful design alternative for a land use that is not specifically accommodated by a strict interpretation of the parking standards of the Ordinance.</p> <p><i>Staff believes that this finding has been met.</i></p> <p>Staff <i>recommends approval</i> of the waiver request.</p>
I. STATUTORY FINDINGS	Not applicable
J. RECOMMENDATION	Staff believes that the proposed design of the structures on the site do not maximize the opportunity to create a high-level development and need to be redesigned to incorporate significantly more brick and stone into the facades in accordance with the minimum standards for all commercial development along Avon's major thoroughfares and that the need to incorporate overhangs into the roof structures would minimize the appearance of a series of pole barns from the public street frontages. It appears that the petitioner is merely trying to do the minimal improvements necessary to get the approval of this project. The petitioner has not met the burden



	of proof for two of the submitted waivers and the Staff cannot recommend approval of the proposal as amended.
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BUILDING 21A ELEVATIONS

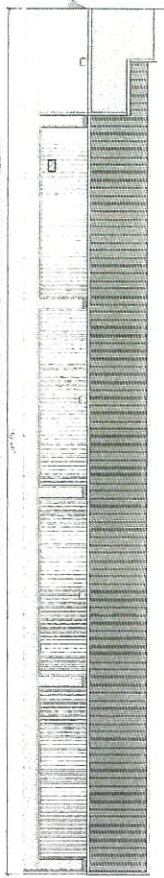
SCALE: $\frac{1}{8}'' = 1'-0''$



MATERIAL PERCENTAGES

Brick	175 sf
Stone	72 sf
EIFS	210 sf
Subtotal	457 sf
Building Total - Off Doors	1514 sf
Brick / Stone / EIFS %	30.2%

NORTH ELEVATION



MATERIAL PERCENTAGES

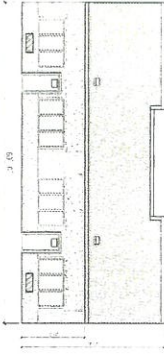
Brick	0 sf
Stone	566 sf
EIFS	160 sf
Subtotal	726 sf
Building Total	2154 sf
Brick / Stone / EIFS %	33.7%

SOUTH ELEVATION

MATERIAL PERCENTAGES

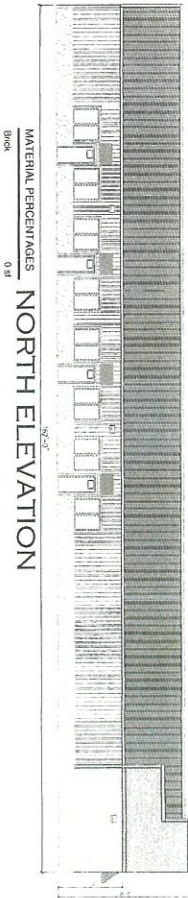
Brick	127 sf
Stone	154 sf
EIFS	772 sf
Subtotal	1053 sf
Building Total	1590 sf
Brick / Stone / EIFS %	66.3%

WEST ELEVATION



BUILDING 17 ELEVATIONS

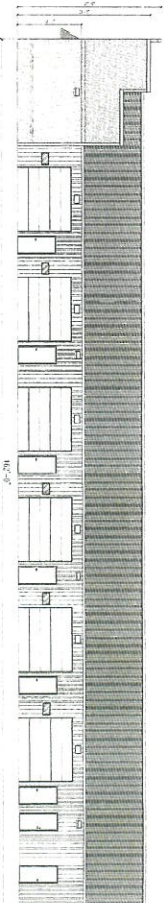
SCALE: $\frac{1}{8}'' = 1'-0''$



MATERIAL PERCENTAGES

Brick	0 sf
Stone	496 sf
EIFS	160 sf
Subtotal	656 sf
Building Total	2154 sf
Brick / Stone / EIFS %	30.5%

NORTH ELEVATION



MATERIAL PERCENTAGES

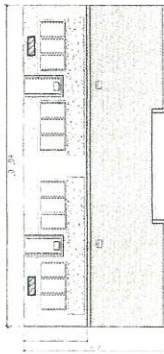
Brick	175 sf
Stone	72 sf
EIFS	210 sf
Subtotal	457 sf
Building Total - Off Doors	1434 sf
Brick / Stone / EIFS %	31.9%

SOUTH ELEVATION

MATERIAL PERCENTAGES

Brick	127 sf
Stone	154 sf
EIFS	772 sf
Subtotal	1053 sf
Building Total	1590 sf
Brick / Stone / EIFS %	66.3%

WEST ELEVATION



MATERIAL LEGEND

STONE	
BRICK	
EIFS	
AWAKES	
SHING	

BUILDING 51A ELEVATIONS

SCALE: $\frac{3}{8}" = 1'-0"$

NORTH ELEVATION

MATERIAL PERCENTAGES

Brick	0 sf
Stone	566 sf
EIFS	180 sf
Subtotal	606 sf
Building Total	2009 sf
Brick / Stone / EIFS %	30.2%

SOUTH ELEVATION

MATERIAL PERCENTAGES

Brick	146 sf
Stone	46 sf
EIFS	171 sf
Subtotal	363 sf
Building Total: Oil Doors	1172 sf
Brick / Stone / EIFS %	30.1%

MATERIAL PERCENTAGES

Brick	246 sf
Stone	117 sf
EIFS	321 sf
Subtotal	732 sf
Building Total	906 sf
Brick / Stone / EIFS %	80.8%

WEST ELEVATION

BUILDING 22B ELEVATIONS

SCALE: $\frac{3}{8}" = 1'-0"$

NORTH ELEVATION

MATERIAL PERCENTAGES

Brick	175 sf
Stone	72 sf
EIFS	210 sf
Subtotal	457 sf
Building Total: Oil Doors	1514 sf
Brick / Stone / EIFS %	30.2%

SOUTH ELEVATION

MATERIAL PERCENTAGES

Brick	0 sf
Stone	566 sf
EIFS	180 sf
Subtotal	726 sf
Building Total	2154 sf
Brick / Stone / EIFS %	33.7%

MATERIAL PERCENTAGES

Brick	127 sf
Stone	154 sf
EIFS	777 sf
Subtotal	1057 sf
Building Total	1580 sf
Brick / Stone / EIFS %	66.9%

WEST ELEVATION

MATERIAL LEGEND

STONE	
BRICK	
EIFS	
AWAKENS	
SIRING	

BUILDING 16 ELEVATIONS

SCALE: $\frac{3}{16}" = 1'-0"$

NORTH ELEVATION

MATERIAL PERCENTAGES	
Brick	0 ft
Stone	175 sf
EIFS	72 sf
Subtotal	247 sf
Building Total	457 sf
Brick / Stone / EIFS %	37.5%

NORTH ELEVATION

MATERIAL PERCENTAGES	
Brick	0 ft
Stone	496 sf
EIFS	160 sf
Subtotal	656 sf
Building Total	2104 sf
Brick / Stone / EIFS %	31.2%

SOUTH ELEVATION

MATERIAL PERCENTAGES	
Brick	0 sf
Stone	496 sf
EIFS	160 sf
Subtotal	656 sf
Building Total	2104 sf
Brick / Stone / EIFS %	30.5%

SOUTH ELEVATION

MATERIAL PERCENTAGES	
Brick	175 sf
Stone	72 sf
EIFS	160 sf
Subtotal	407 sf
Building Total	1326 sf
Brick / Stone / EIFS %	30.5%

WEST ELEVATION

MATERIAL PERCENTAGES	
Brick	137 sf
Stone	154 sf
EIFS	777 sf
Subtotal	1067 sf
Building Total	1290 sf
Brick / Stone / EIFS %	66.9%

WEST ELEVATION

MATERIAL PERCENTAGES	
Brick	148 sf
Stone	155 sf
EIFS	606 sf
Subtotal	909 sf
Building Total	1410 sf
Brick / Stone / EIFS %	64.5%

MATERIAL LEGEND	
STONE	
BRICK	
EIFS	
AWAKENS	
SINKS	

